APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/757,102	01/08/2001	Phillip Lee Bogle	3382-57030	6918

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EXAMINER
CHAVIS, JOHN Q

ART UNIT	PAPER NUMBER
2124	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/757,102	BOGLE ET AL.
		Examiner	Art Unit
		John Chavis	2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>08 January 2001</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☐ Claim(s) <u>1-17</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>4/20/01 & 5/08/01</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.   Claims 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Each of the claims refer to a method of claim 10; while, claim 10 recites a

machine readable memory...to perform a method...

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
> United States before the invention thereof by the applicant for patent, or on an international application
> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
> title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4.   Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by

Brouwer et al. (6,279,124).

Claims	Brouwer
1. A method of operating an active debugging environment to debug a virtual application that contains programming language code from a plurality of disparate programming languages, said method comprising:	See the title and the abstract. The testing feature represents the " debugging" feature and col. 4 lines 42-47 indicates the " plurality of languages" .
creating an instance of a script host;	See col. 3 lines 16-23.
populating said script host with a script text from said virtual application;	See again col. 3 lines 16-23.
interconnecting said virtual application and said script host by way of complementary interfaces there between;	See col. 3 lines 62-65.
dynamically activating said active debugging environment; and	See col. 3 lines 47-49.
running said script text by said script host under control of said active debugging environment in a manner comprising:	See col. 4 lines 33-41.
defining at least one event monitoring case by way of a debug user interface;	See col. 4 lines 49-61.

transparently implementing each of said
at least one event monitoring case
independent of said programming
language code in said script text;

See col. 3 lines 42-52.

viewing components and characteristics
of said virtual application by way of said
user interface at any time during debug
operations;

See col. 6 lines 58-66 and col. 8
lines 18-23.

identifying an occurrence of each of said
at least one event monitoring case; and

See col. 6 lines 46-57.

activating a predefined response to an
occurrence of each of said at least one
event monitoring case in positive
response to said step of identifying.

See again col. 6 lines 46-57.

2. A method according to claim 1
wherein said step of creating includes:
a first step of establishing a first debug
process to catalog and manage each of
a plurality of components of each of a
plurality of applications within said virtual
application; and

See col. 7 lines 45-60.

a second step of establishing a second
debug process to catalog and manage

"   "   "   "

each of said plurality of applications within
said virtual application.

3. A method according to claim 1 wherein said step of populating includes: dynamically establishing a language engine for each programming language represented in said virtual application.	See col. 5 lines 19-27 and col. 3 lines 42-52.
4. A method according to claim 1 wherein said step of interconnecting includes: activating said script host to expose an object model of each application within said virtual application; and	See col. 7 lines 10-23.
establishing a standard interface to said script host based upon said object model of each application within said virtual application.	See col. 3 lines 47-51.
5. A method according to claim 1 wherein said step of defining at least one event monitoring case includes: imposing at least one debug feature in said script text that alters normal run-time activity of said script text.	See col. 6 lines 46-49.
6. A method according to claim 1 including: supporting any one of a plurality	See col. 10 lines33-43 and col. 10 line 65-col. 11 line 4.

of integrated development environment user interfaces to said active debugging environment that is designed by a debug user in a programming language neutral and host independent manner.

7. A method according to claim 6 including: transmitting any portion of said script text to said integrated development environment user interface to facilitate source code and virtual application context viewing by said debug user; and

See col. 8 lines 18-23 and col. 6 lines 58-66.

receiving data from said integrated development environment user interface indicative of user-input commands to control operation of said active debugging environment.

See col. 6 lines 14-17

8. A method according to claim 1 wherein said step of activating a predefined response includes: generating a view of said script text to a debug user that is relevant to said event; and dynamically altering said script text by script edit facilities in an integrated development environment user interface.

See col. 7 lines 10-23.

9. A method according to claim 8 further

See col. 7 line 37-col. 8 line23.

including: running said script text on said
script host with edited changes absent
any run-time interruptions to said active
debugging environment.

The features of claims 10-13 and 14-17 are taught via claim 1. The applicant' s

references to a smart and a dumb host is not clearly indicated in the specification.

Therefore, it is not clear that the applicant invented the feature. However, the smart host

feature is considered taught via col. 4 lines 46-48 and the dumb host, see col. 4 lines

52-56 and col. 7 lines 42-44.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John Chavis whose telephone number is (703) 305-

9665. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jqc
September 2, 2004

JOHN CHAVIS
PATENT EXAMINER
ART UNIT 2124